GOVERNMENT OF INDIA
DEFENCE
LOK SABHA

UNSTARRED QUESTION NO:5194
ANSWERED ON:21.12.2000
REINSTATEMENT OF LABOURERS IN CSD
JAI PRAKASH

Will the Minister of DEFENCE be pleased to state:

(a) whether the Delhi High Court has pronounced a verdictdirecting the Army Headquarters (C.S.D.)Canteen, New Delhi to reinstate the services of some labourers who were retrenched earlier;

(b) if so, the details thereof and the time limit given to implement the said decision;

(c) the progress made so far in compliance of the Court order; and

(d) the time by which the said decision is likely to be implemented fully?

Answer

MINISTER OF DEFENCE (SHRI GEORGE FERNANDES)

(a) & (b): No, Sir. The facts of the case are that three casual labourers who are employed on day-to-day basis, when required in the Army Headquarters Canteen, New Delhi, had filed an OA No. 2741 of 1997 in Central Administrative Tribunal (CAT), Principal Bench, New Delhi, fortheir regularisation as Central Government Employees. CATin its judgement directed the management to examine the feasibility of granting temporary status to these casual labourers as prevalent for Central Government Employees.

A CWP No. 5003/98 against the said judgement was filed by the Army Headquarters Canteen, New Delhi, inthe High Court of Delhi which directed that these individuals be given preference for employment whenever casual vacancy is available. The said labourers, however, again filed a writ in the High Court No. CM No. 3938/2000 prayingfor employment as per CATs judgement. The Hon'ble Delhi High Courtwhile disposing of the CWP No. 5003/98 andCMNo. 3938/2000 on 10th October 2000 ruled that sincethe Army Headquarters Canteen, New Delhi has already re-engaged one ofthe casual labourers through the Contractor from 7th June, 2000 and as they are willing to re-engage the other two labourers, provided they report for duty as and when required, it might not be necessary to continue any further proceedings in the Writ Petition and they have disposed of the petition accordingly. As such, no time limit has been specified in the judgement as the judgement came into operation from immediate effect.

(c) & (d): Hon'ble Court's order is being complied with by Army Headquarters Canteen, New Delhi.Since the appointment of casual labourers is on day-to-day basis and as and when required, the question of any time by which the said decision is likely to be implemented, does not arise.